

MARINE HOSPITALS.

[To accompany bill H. R. No. 418.]

MAY 2, 1842.

Mr. S. J. ANDREWS, from the Committee on Commerce, submitted the following

REPORT:

*The Committee on Commerce, to whom was referred the message of the President of the United States in relation to the purchase of sites, on the Western waters, for the erection of marine hospitals, report as follows:*

By an act of Congress passed March 3, A. D. 1837, the President of the United States was authorized to select and cause to be purchased, for the benefit of sick and disabled seamen, boatmen, and other navigators upon the Western waters, suitable sites for marine hospitals, not exceeding in number three for the Mississippi river, three for the Ohio river, and one for Lake Erie, and to call to his aid medical men of the army, not exceeding three in number, to examine and report upon such sites, and the prices at which they could severally be obtained. Fifteen thousand dollars were appropriated for the above object.

The performance of the duty thus enjoined was committed by the President to a board of medical officers, constituted for that purpose, who were not limited in their action to the examination and selection of suitable sites, but were authorized to make contracts, on behalf of the Government, for the purchase of the sites so selected; which contracts were to be binding, when approved by the Secretary of War.

The board were also instructed to take absolute deeds to the United States of the lots aforesaid, (after being satisfied as to the validity of the owners' title,) and to lodge the same with some individual or banking institution, until they could report their proceedings to the War Department; and were informed that, upon the approval of such purchases by the Secretary of War, warrants upon the nearest deposite bank, for the purchase money, would be issued and delivered, on the receipt and acceptance of the title deeds.

Pursuant to these instructions, the board, during the year 1837, inspected different sites upon the Mississippi and Ohio, and upon Lake Erie; and, after diligent and careful examination, selected and purchased sites at the following points, viz :

ON THE MISSISSIPPI.

At Natchez, Mississippi, for	-	-	-	-	\$7,000
At Napoleon, Arkansas, for	-	-	-	-	1,000
At St. Louis, Missouri, for	-	-	-	-	7,468

## ON THE OHIO.

At Paducah, Kentucky, for	-	-	-	-	-	\$1,000
At Louisville, Kentucky, for	-	-	-	-	-	6,000
At Pittsburg, Pennsylvania, for	-	-	-	-	-	10,253

## ON LAKE ERIE.

At Cleveland, Ohio, for	-	-	-	-	-	12,000
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Amounting, in the aggregate, to forty-four thousand seven hundred and twenty-one dollars, and exceeding the sum appropriated twenty-nine thousand seven hundred and twenty-nine dollars.

These purchases were made in accordance with the foregoing instructions, and upon the express condition that they should be binding on the Government, when approved by the Secretary of War. Deeds were executed by the owners of the respective lots to the United States, and deposited agreeably to the directions of the board. The proceedings of the board were ratified by the Secretary of War, and the several vendors duly notified of such ratification.

Some of these men were subjected to expense and inconvenience in perfecting their titles to said land. Others, relying upon the amount due from the United States, have incurred heavy pecuniary liabilities, which they have no other means of discharging; and all of them have been prevented from otherwise disposing of their property, and thereby avoiding loss by its depreciation in value.

The Rev. Luther Halsey, the owner of the site selected at Pittsburg, was largely indebted at the time, and disclosed to the board his situation, and the necessity of immediate payment in the event of the ratification of the contract. He was assured that no delay was anticipated beyond the then next session of Congress, and, confiding in that assurance, sold the land. It was worth at the time, and would have brought in the market, the contract price. But, although the purchase was approved, and an appropriation recommended at the next session of Congress, by the administration then in power, (a recommendation, it may be remarked, that has been repeated at nearly every regular session of Congress since that period,) the debt still remains unpaid.

In the mean time, the creditors of Mr. Halsey, after long indulgence, have recovered judgments against him, and are attempting to collect the same by execution; a proceeding that will not only exhaust his remaining property, but involve him in bankruptcy and ruin. This result will be inevitable, if payment is delayed beyond the present session of Congress.

The foregoing facts, so far as they relate to the making and approval of the contracts, appear from the letters of the Secretary of War and Surgeon General, hereunto annexed, and present the plain case of a purchase by the Government, and a failure to pay the purchase money as stipulated.

The committee cannot overlook the fact, (although no evidence has been submitted upon the point,) that these lots have shared in the general depreciation of real estate throughout the country; and being of opinion that justice and good faith, on the part of the Government, demand the immediate payment of the money due on these contracts, they forbear to consider the other alternative presented in the message, of reconveying the lots to their original owners.

The committee therefore ask leave to report a bill.

*Message from the President of the United States, in relation to the purchase of sites on the Western waters for the erection of marine hospitals, &c.*

*To the House of Representatives :*

I transmit, herewith, a communication addressed to me by the Secretary of War, in relation to certain contracts entered into by a board of medical officers appointed for that purpose, for the purchase of sites on the Western waters for the erection of marine hospitals; and, concurring fully in his views of the subject, I recommended that either an appropriation of forty-four thousand seven hundred and twenty-one dollars be made for the purpose of satisfying the claims of the individuals with whom the contracts were made, or that the Department of War be authorized to reconvey to them their lands and annul the contracts.

JOHN TYLER.

WASHINGTON, February 16, 1842.

DEPARTMENT OF WAR, February 15, 1842.

SIR: By the act to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, of the 3d of March, 1837, it is provided, "That the President of the United States be, and he is hereby, authorized to select and cause to be purchased, for the use and benefit of sick seamen, boatmen, and all other navigators on the Western rivers and lakes, suitable sites for marine hospitals: *Provided*, That the number thereof shall not exceed—for the river Mississippi, three; for the river Ohio, three; and for Lake Erie, one; and, to enable the President to make such selection and purchase, he may call to his aid one or more medical men of the army, not exceeding three in all, to examine and report on such sites, and to ascertain at what price the same can be had; and that the sum of fifteen thousand dollars be, and is hereby, appropriated to effect the purchase thereof, to be paid out of any money in the Treasury not otherwise appropriated; and that suitable plans and estimates be prepared, under the direction of the Secretary of War, for the construction of said hospitals, and submitted to Congress at the commencement of the next session thereof."

In pursuance of this authority, three several boards of medical officers were detailed, and vested with powers to enter into arrangements, on the part of the United States, for the purchase of such tracts of land as they might select; and, after a careful examination, they selected the following points, which were approved by the Secretary of War, viz:

*On the Mississippi river.*

At Natchez, Mississippi, for	-	-	-	-	\$7,000
At Napoleon, Arkansas, (mouth of the Arkansas river)	-	-	-	-	1,000
At St. Louis, Missouri	-	-	-	-	7,468

*On the Ohio river.*

At Paducah, Kentucky, (mouth of the Tennessee river)	-	-	-	-	1,000
At Louisville, Kentucky	-	-	-	-	6,000
At Pittsburg, Pennsylvania	-	-	-	-	10,253

*On Lake Erie.*

At Cleveland, Ohio	-	-	-	-	-	-	\$12,000
Making the aggregate cost of the several lots	-	-	-	-	-	-	44,721

It will be perceived that the sum appropriated by the act was found to be wholly inadequate for the payment of the several sites selected; and it has, consequently, reverted to the surplus fund. The commissioners, however, acting in obedience to the instructions given them, contracted for their purchase, and the deeds were formally executed by the respective owners.

The necessity of establishing well-regulated hospitals on the Western waters having already been discussed and acknowledged, in effect, by Congress, it becomes superfluous for me to enlarge upon that view of the subject at present. Humanity, however, to the numerous and useful class of people for whose benefit these institutions are intended, as well as justice to those individuals who have conveyed their lands to the United States, would seem to demand that measures be no longer delayed for the ratification of the contracts entered into with them, on the part of the agents of Government, and for the payment of the lands selected. I therefore respectfully recommend that an appropriation of \$44,721 be asked of Congress for that purpose; or, if this should be deemed inexpedient, that the Department be authorized to reconvey the lands included in the deeds to their respective owners, and annul the contracts.

I enclose, herewith, the last report from the Surgeon General's office on this subject; and, should further information be required, reference is respectfully made to the reports of the several boards of officers to the Secretary of War, in 1837, 1839, and 1840, accompanying the annual reports of the Secretary of War at those periods, respectively.

Very respectfully, your most obedient servant,

JOHN C. SPENCER.

To the PRESIDENT OF THE UNITED STATES.

SURGEON GENERAL'S OFFICE, *December 9, 1841.*

SIR: In a report I had recently the honor of submitting to you, on the letter of the Rev. Luther Halsey, urging payment for certain lands purchased of him as the site for a marine hospital in the vicinity of Pittsburg, I took occasion to recommend that an appropriation (in round numbers) of \$45,000 be asked for, to discharge that and similar obligations incurred under the authority of the act approved March 3, 1837.

In order to a better understanding of the subject, I herewith enclose copies of two communications (marked A and B) conferring authority on the board of officers detailed in conformity with the act aforesaid, "for the purchase of the several tracts or parcels of land" they should "select, on the shores of the Western waters, as sites for marine hospitals."

Sites were accordingly selected at the following places, and deeds of conveyance to the United States executed by the respective owners, viz:

1. At Natchez, Mississippi, 10 acres, amounting to \$7,000; original



deed filed in the office of the probate court of Adams county, and a copy thereof in this office.

2. At Napoleon, Arkansas, (mouth of the Arkansas river,)  $10\frac{26}{100}$  acres, amounting to \$1,000; original deed deposited in the Bank of the State of Arkansas, and a copy thereof in this office.

3. At St. Louis, Missouri,  $18\frac{67}{100}$  acres, amounting to \$7,468; original deed deposited in the Bank of the State of Missouri, and a copy thereof in this office.

4. At Paducah, Kentucky, (mouth of the Tennessee river,) 10 acres, amounting to \$1,000; original deed on file in this office.

5. At Louisville, Kentucky,  $8\frac{1}{2}$  acres and 17 poles, amounting to \$6,000; original deed deposited in the Bank of Kentucky, and a copy thereof on file in this office.

6. At Pittsburg, Pennsylvania, 10 acres and  $40\frac{48}{100}$  poles, amounting to \$10,253; original deed deposited in this office.

7. At Cleveland, Ohio,  $8\frac{57}{100}$  acres, amounting to \$12,000; original deed deposited in the Commercial Bank of Lake Erie, and a copy thereof in this office.

The aggregate cost of the several lots or parcels of land purchased being \$44,721.

It would be superfluous to enlarge on the necessity of establishing well-regulated hospitals for the accommodation of sick boatmen on the Western waters, as it has already, in effect, been acknowledged by Congress. Humanity to this numerous and useful class of people urgently demands that the measure should no longer be delayed, and justice to those who have conveyed their lands to the United States would seem to warrant the expectation of an adequate appropriation for the payment of the several sites selected and contracted for.

Respectfully submitted.

H. L. HEISKELL,  
*Acting Surgeon General.*

Hon. J. C. SPENCER, *Secretary of War.*

A.

SURGEON GENERAL'S OFFICE, *June 3, 1837.*

SIR: As the officers appointed to select and purchase, on the shores of the Western waters, sites for marine hospitals, will in a few days commence their operations, it is desirable that specific instructions be issued from the Department of War, touching the manner of the purchase, and the means to be adopted in the payment of the land acquired.

The agents of the Government can be instructed to make a contract, perfect and complete, so far as relates to themselves and the venders of the land, but subject to the approval of the Secretary of War.

Should, then, the terms of sale be disapproved by the Secretary of War, the contract is of course made void; but if, on the other hand, the contract is confirmed, the purchase is to be considered as consummated without further reference, and a warrant for payment can issue at once to the vender of the land acquired.

All which is respectfully submitted.

THOMAS LAWSON, *Surgeon General.*

The Hon. the SECRETARY OF WAR.

B.

SURGEON GENERAL'S OFFICE, June 5, 1837.

SIR: You are hereby authorized and empowered to enter into arrangements, on the part of the United States, for the purchase of the several tracts or parcels of land that you may select, on the shores of the Western waters, as sites for marine hospitals. The contract will be made perfect and complete, so far as relates to the proprietors or the venders of the land and yourself as the agent of the Government, but subject to the approval and action of the Secretary of War.

You must take care to have the deeds of conveyance made out in legal form, accompanied with a certificate from the mortgage office, &c., showing that the property is free from all encumbrances, and then submit the papers to the examination of the nearest district attorney or other law officer. The titles having been examined and approved by your legal adviser, the deeds of conveyance can be placed in the hands of some individual, or lodged in a banking institution, while you report the transaction, or send on a copy of the contract to the Department of War.

Should the terms, &c., of the sale be disapproved by the Secretary of War, the contract will of course be void; but if, on the other hand, the purchase is approved and sanctioned, a warrant for the money will be issued on the nearest deposite bank, to be delivered to the venders of the land, upon the receipt and acceptance of the title deeds, &c., to the property acquired.

I have the honor to be, very respectfully, your obedient servant,

THOMAS LAWSON,  
*Surgeon General.*

Surgeon B. F. HARNEY,

*President of the Board for selecting sites for marine hospitals.*

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MEMORANDA.

SURGEON GENERAL'S OFFICE.

*List of persons from whom lots have been purchased, as sites for marine hospitals.*

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|-----------------------------|---|
| 1. Natchez, Mississippi,    | A. T. McMurtry and wife.  |
| 2. Napoleon, Arkansas,      | Stephen V. R. Ryan, and Waldron and wife.   |
| 3. St. Louis, Missouri,     | William C. Carr and wife.   |
| 4. Paducah, Kentucky,       | William Clark, of St. Louis, Missouri, and<br>Robert Porterfield, Augusta county, Va. |
| 5. Louisville Kentucky,     | George C. Gwathmey and wife.  |
| 6. Pittsburg, Pennsylvania, | Luther Halsey.  |
| 7. Cleveland, Ohio,         | Levi Johnston and wife.   |

H. L. HEISKELL,  
*Acting Surgeon General.*

The deeds were all made in 1837, except for the site at Pittsburg, which was executed in 1839.

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